

12335 Santa Monica Blvd
Los Angeles, CA 90025

FILED

Attorneys for Plaintiff(s)

Patrick Smith in pro per

2008 MAY 23 PM 3:16
CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Patrick Smith

PLAINTIFF(S)

v.

Gregory Morse

DEFENDANT(S).

CASE NUMBER
CV08-3371 RGK (SSx)
COMPLAINT FOR
3,534,676
5,598,947

Defendant, Mr. Gregory Morse, Deceit, fraudulent misrepresentations and omissions.

I received a letter September 28, 2007 from the Office of the Commissioner for Patents at the United States Patent and Trademark Office (USPTO) Mr. Gregory Morse, concerning my complaint that U.S. Patent #3,534,676 granted by the PTO is false, invalid and is a violation of US and Patent laws. 3,534,676 describes a vending machine with a built-in "microwave oven" shown as a box like device with food item entering in thru a rear door and dispensed out of a trap door. A violation of the U.S. Radiation Protection regulations that require microwave ovens have a front door that closes locks and seals to protect from radiation leakage. 3,534,676 also violated Patent law 35 U.S.C. #112 re. Specifications "The specifications shall contain a written description of the invention, and manner of the making and using it, in full, clear, concise, and exact terms". But 3,534,676 stated: "All features and control of the oven will be omitted" Regardless the PTO issued #3,534,676 Defendant, Gregory Morse, determined to conceal violations, wrote 09/28/07 letter re. the false #3,534,676 referring (in 5th paragraph of the letter) to MPEP 2164 "Enablement Requirement" a four (4) paragraph description of "Patentability" but Mr. Gregory Morse fraudulently misrepresented MPRP by altering, concealing, omitting two (2) of the four

LOGGED

(P)

UNITED STATES POSTAL SERVICE

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Patrick Smith
12335 Santa Monica Blvd
Los Angeles, CA 90025

25+2519



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gregory Morse
US Patent & Trademark Office
PO Box 1450
Alexandria, VA 22313
-1450

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

AUG 07 2008

3. Service Type

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☐ Registered ☐ Return Receipt for Merchand.
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7008 0500 0000 3554 8344

1 paragraphs, for the purpose of making the MPEP appear to allow the violations by the
2 false patent. The two (2) paragraphs Morse omitted actually condemn the 3,534,767
3 violations. (see encl. actual four (4) paragraph MPEP 2164 Enablement Requirement)
4 Defendant Morse described in the letter paragraph two (2) and paragraph three (3) but
5 he omitted paragraph one (1) and paragraph four (4) condemning false patent 3,534,676
6 Defendant's letter September 28, 2007 a false representation, made knowingly with intent
7 that I detrimentally rely on fraudulent misrepresentations, and omission of material facts.
8 Mr. Morse sent the fraudulent 09/28/07 letter in response to my 09/12/07 letter to Senator
9 Patrick Leahy Chairman of the Senate Judiciary Committee, complaining about the false
10 patent #3,534,676 beginning with a denial of my patent application on a vending machine
11 with a built-in actual microwave oven, and I complained to Senator Feinstein's LA office.
12 resulting in the PTO admitting 3,534,676 was a mistake and the PTO then granted patent
13 #5,598,947 to me. But the PTO subsequently canceled my patent saying I failed to pay a
14 maintenance fee, I never heard of the maintenance fee. I paid the fee and a penalty so as
15 to reinstate my patent. To insure that another cancellation did not happen again I wrote a
16 letter to the Patent Commissioner, stating that I intended to pay the next maintenance fee
17 on February 5, 2005 and I emphasized, if not correct please let me know. Later the PTO
18 with my letter in their possession, canceled my patent for not paying fee February 4, 2005
19 I realized I would have to sue the Patent Office for misconduct to recover my losses, that
20 included a signed contract to purchase my patent #5,598,947 for one million, one hundred
21 twenty five thousand (\$1,125, 000) and the stress of continually dealing with this PTO
22 misconduct. I wrote to President Bush explaining the PTO misconduct, and he responded
23 that he would send the problem to the Commerce Department. A prior letter to President
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1 Bush was referred to the Patent Commissioner. I then received a letter from his secretary
2 telling me to stop writing to the Patent Office. As much of a problem as this is for me, it
3 is a more serious problem for the government. This misconduct by the Patent Office will
4 shock the public's confidence in the validity of U.S. issued patents. The question is, who
5 inside the patent office did this? No patent examiner would approve a box device with a
6 trap door described as a microwave oven, and no patent examiner would allow the patent
7 specification requirement to describe the invention in full, clear, concise, and exact terms
8 to be so flagrantly dismissed as: "all features and control of the oven will be omitted".
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11 This fraudulent deceit, misrepresentation and omission, violates both US and patent laws.
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Paul Smith
5/21/08

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge R. Gary Klausner and the assigned discovery Magistrate Judge is Suzanne H. Segal.

The case number on all documents filed with the Court should read as follows:

CV08- 3371 RGK (SSx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Patrick Smith

PLAINTIFF(S)

v.

Gregory Morse

DEFENDANT(S).

CASE NUMBER

CV08-3371 RGK(SSx)

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney
Patrick Smith, whose address is:

12335 Santa Monica Blvd.
Los Angeles, CA 90024

an answer to the ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim
which is herewith served upon you within 20 days after service of this Summons upon you, exclusive
of the day of service. If you fail to do so, judgement by default will be taken against you for the relief
demanded in the complaint.

Clerk, U.S. District Court

Dated: 5/23/08

By: _____

HANA RASHAD SEAL

Deputy Clerk

(Seal of the Court)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Patrick Smith
v.

FOR OFFICE USE ONLY
PLAINTIFF(S)

CASE NUMBER

CV08-3371-RGK (SSx)

Gregory Morse

DEFENDANT(S).

Alias
SUMMONS

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☐ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Patrick Smith, whose address is 12335 Santa Monica Blvd. Los Angeles, CA 90025. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

FOR OFFICE USE ONLY
Clerk, U.S. District Court

AUG - 4 2008

Dated: _____

By: HANA RASHAD

Deputy Clerk

(Seal of the Court)

SEAL

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Patrick Smith

Plaintiff(s)

v.

Gregory Morse

Defendant(s)

CASE NUMBER:

CV-8-3371-REK (SSX)

PROOF OF SERVICE
SUMMONS AND COMPLAINT

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):

- a. ☒ summons ☒ complaint ☐ alias summons ☐ first amended complaint
☐ second amended complaint
☐ third amended complaint

☐ other (specify):

2. Person served:

- a. ☒ Defendant (name): Gregory Morse
b. ☐ Other (specify name and title or relationship to the party/business named):

c. ☐ Address where papers were served: U.S. Patent + Trademark Office
PO BOX 1450
Alexandria VA 1450

3. Manner of Service in compliance with (the appropriate box must be checked):

- a. ☐ Federal Rules of Civil Procedure
b. ☐ California Code of Civil Procedure

4. I served the person named in Item 2:

- a. ☐ By Personal service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.

1. ☐ Papers were served on (date): _____ at (time): _____

- b. ☒ By Substituted service. By leaving copies:

1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.

2. ☐ (business) or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.

3. ☐ Papers were served on (date): _____ at (time): _____

4. ☒ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).

5. ☐ papers were mailed on (date): 09/24/08

6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. ☒ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service):
5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served: Gregory Morse

Title of person served:

Date and time of service: (date): 09/24/08 at (time): _____ X

- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (name, address and telephone number):

CARLOS FRANKLIN BELL-OUTLAW
Box 861525
LA, CA 90012

- a. Fee for service: \$
- b. ☒ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☐ Registered California process server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 9-24-08


(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Patrick Smith

FOR OFFICE USE ONLY

PLAINTIFF(S)

CASE NUMBER

CV08-3371-RGK (SSx)

v.

Gregory Morse

DEFENDANT(S).

Alias

SUMMONS

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Within 60 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☐ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Patrick Smith, whose address is 12335 Santa Monica Blvd. Los Angeles CA 90025. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

FOR OFFICE USE ONLY

AUG - 4 2008

Dated: _____

By: _____

HANA RASHAD

Deputy Clerk

(Seal of the Court)

SEAL

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].